UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,481	06/27/2001	Kazumi Suga	1232-4730	5929

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EXAMINER
BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)
	09/894,481		SUGA, KAZUMI
'Office Action Summary	Examiner		Art Unit
	Bradley Bayat		3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2001*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All b)☐ Some * c)☐ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

　　a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claims 1-33 are presented for examination on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 14, 23, 27 and 30-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear and vague how applicant's apparatus claim of claim 14 is dependent on information processing apparatus of claim 1. Applicant should clearly describe the relationship between all essential elements or parts of interdependent claims.

Claims 30-33 refer to independent claims 23 and 27 as a "program" or "storage medium" not claimed as such.

Claims 23 and 27 recite the limitations "the information acquiring and browsing software" in line 2 and "the server unit" in line 3 of the claims. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent granted
> on an application for patent by another filed in the United States before the invention by the applicant
> for patent, except that an international application filed under the treaty defined in section 351(a) shall
> have the effects for purposes of this subsection of an application filed in the United States only if the
> international application designated the United States and was published under Article 21(2) of such
> treaty in the English language.

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by

Ogilvie, U.S. Patent 6,343,738 B1.

As per the following claims, Ogilvie discloses:

1. An information processing apparatus on a seller side capable of sale of electronic

contents via a network, comprising: acquiring means for acquiring via said network

information on the electronic contents that the buyer side wanting to purchase arbitrary

electronic contents desires to buy; and first providing means for providing to said buyer

side via said network the electronic contents desired to sell corresponding to the

information acquired by said acquiring means (column 6, lines 35-50).

2. The information processing apparatus according to claim 1, wherein said first

providing means encrypts and provides said electronic contents desired to sell (column 6,

lines 35-50).

3. The information processing apparatus according to claim 1, wherein said first

providing means provides said electronic contents desired to sell based on evaluation

results of said electronic contents (figure 5 and associated text, item 508).

4. The information processing apparatus according to claim 3, further comprising

evaluation processing means for performing an evaluation process of said electronic

contents desired to sell by using software provided by said buyer side via said network,

wherein said first providing means provides said electronic contents desired to sell based

on evaluation results of said evaluation processing means (figure 6 and associated text).

5. The information processing apparatus according to claim 3, further comprising:

converting means for converting said electronic contents desired to sell to the electronic

contents for evaluation; and second providing means for providing to said buyer side via

said network the electronic contents for evaluation acquired by said converting means,

wherein said first providing means provides said electronic contents desired to sell based

on results of evaluation of said electronic contents for evaluation performed on said buyer

side (column 17, line 38 – column 18, line 53).

6. The information processing apparatus according to claim 3, further comprising:

evaluation processing means for performing an evaluation process of said electronic

contents desired to sell by using software provided by said buyer side via said network;

converting means for converting said electronic contents desired to sell to the electronic

contents for evaluation based on whether or not said evaluation process by said

evaluation processing means has normally ended; and second providing means for

providing to said buyer side via said network the electronic contents for evaluation

acquired by said converting means, wherein said first providing means provides said

electronic contents desired to sell based on the evaluation results of said evaluation

processing means or the results of evaluation of said electronic contents for evaluation

performed on said buyer side (figures 6-10 and associated text).

7. An information processing apparatus on a buyer side capable of sale of electronic

contents via a network, comprising: first providing means for providing to an arbitrary

user on said network information on the electronic contents desired to buy via said

network; and first acquiring means for acquiring the electronic contents desired to sell

provided by said arbitrary user in response to the information provided by said first

providing means via said network (figure 5 and associated text).

8. The information processing apparatus according to claim 7, further comprising: second

providing means for providing to said arbitrary user via said network key information for

encrypting said electronic contents desired to sell; and decrypting means for decrypting

the electronic contents encrypted by said key information, wherein said first acquiring

means acquires said electronic contents desired to sell encrypted on said arbitrary user

side by using said key information, and said decrypting means decrypts the encrypted

electronic contents acquired by said first acquiring means (columns 8-9).

9. The information processing apparatus according to claim 7, further comprising third

providing means for providing to said arbitrary user via said network the software for

evaluating the electronic contents that the user desires to sell, wherein said first acquiring

means acquires said electronic contents desired to sell provided by said arbitrary user

based on the evaluation results of said electronic contents to sell by said software on said

arbitrary user side (figure 6 and associated text).

10. The information processing apparatus according to claim 7, further comprising:

second acquiring means for acquiring said electronic contents desired to sell converted to

the electronic contents for evaluation by said arbitrary user side; and fourth providing

means for providing to said arbitrary user via said network the evaluation results of said

electronic contents for evaluation, wherein said first acquiring means acquires said

electronic contents desired to sell provided by said arbitrary user based on said evaluation

results of said fourth providing means (column 17, line 38 – column 18, line 53).

11. An information processing apparatus capable of commercial product trade via a

network, comprising: acquiring means for at least acquiring via said network either

selling information that is information on a commercial product desired to sell on the

seller side or buying information that is information on a commercial product desired to

buy on the buyer side; and answering means for answering whether to buy or sell as to

the selling information or the buying information acquired by said acquiring means via

said network (figures 11-12 and associated text).

12. The information processing apparatus according to claim 11, wherein said acquiring

means acquires the information managed on the broker side of commercial product sale

on said network; and said answering means answers to said broker side (figure 5 and

associated text).

13. The information processing apparatus according to claim 12, wherein said acquiring

means acquires via said network the information on the brokerage of the commercial

product sale occurring on said broker side (figures 5,6 and associated text).

14. An electronic commerce system having a plurality of apparatuses including at least

terminal units of the seller side and the buyer side connected via a network in a manner

capable of mutual communication, wherein at least one of said plurality of apparatuses

has functions of the information processing apparatus according to claim 1 (figures 11-12

and associated text).

15. An electronic commerce system for conducting sale of electronic contents between

the seller side and the buyer side via a network, comprising: a terminal unit on the seller

side capable of activating information acquiring and browsing software; a terminal unit

on the buyer side; a server unit managed and operated by said buyer side for at least

managing either the information on the electronic contents desired to purchase on said

buyer side or personal information on said seller side, sending and receiving data files

according to a request by the information acquiring and browsing software on said seller

side, and having a data storage area opened to said buyer side for receiving the electronic

contents sent from said seller side; a terminal unit on a financial institution side for

performing a transfer transaction to said seller side according to a request from said buyer

side; and a communication network for connecting in a manner capable of

communication said terminal unit on the seller side, said terminal unit on the buyer side,

said server unit and said terminal unit on the financial institution side (columns 8-9).

16. The electronic commerce system according to claim 15, wherein said server unit has

at least server functions of either an HTTP (Hyper Text Transfer Protocol) server or an

FTP (File Transfer Protocol) server, performs services according to a request from said

information acquiring and browsing software and returns results thereof as predetermined

data file, and also receives the electronic contents sent from said seller side (column 15, lines 15-47).

17. An electronic commerce system for trading an arbitrary commercial product between a seller side and a buyer side via a network, comprising: a terminal unit on the seller side capable of activating information acquiring and browsing software; a terminal unit on the buyer side capable of activating the information acquiring and browsing software; a terminal unit on the commercial product sale broker side; a server unit managed and operated by said broker side; a distributor side for at least conducting either distribution of the commercial product or receipt of a price of the commercial product according to a request by said broker; and a communication network for connecting in a manner capable of communication at least one of said terminal unit on the seller side, said terminal unit on the buyer side, said terminal unit on the broker side, said server unit and said terminal unit on the distributor side (figures 7-8 and associated text).

18. The electronic commerce system according to claim 17, wherein said server unit has at least the functions of either the HTTP (Hyper Text Transfer Protocol) server or the FTP (File Transfer Protocol) server, performs the services according to a request from said information acquiring and browsing software and returns the results thereof as a data file, and also provides the e-mail services, stores and updates information including the commercial product sale brokerage information and the distribution schedule information of said distributor side at any time (figure 12; column 8, line 47 – column 10, line 5).

19. An electronic commerce system for trading an arbitrary commercial product between

a seller side and a buyer side via a network, comprising: a terminal unit on the seller side

capable of activating information acquiring and browsing software; a terminal unit on the

buyer side capable of activating the information acquiring and browsing software; a

terminal unit on the commercial product sale broker side; a server unit managed and

operated by said broker side; and a communication network for connecting in a manner

capable of communication at least one of said terminal unit on the seller side, said

terminal unit on the buyer side, said terminal unit on the broker side and said server unit

(figure 8 and associated text).

20. The electronic commerce system according to claim 19, wherein said server unit has

at least the functions of either the HTTP (Hyper Text Transfer Protocol) server or the

FTP (File Transfer Protocol) server, performs services according to a request from said

information acquiring and browsing software and returns results thereof as a

predetermined data file, and also provides the e-mail services, stores and updates

information including the commercial product sale brokerage information at any time

(figure 12; column 8, line 47 – column 10, line 5).

21. The electronic commerce system according to claim 15, wherein said information

acquiring and browsing software includes a WWW browser (column 8, lines 47-55).

22. The electronic commerce system according to claim 15, wherein said communication

network includes the Internet (column 8, lines 47-55).

23. An electronic commerce method for trading electronic contents between a seller side

and a buyer side via a network, comprising the steps that: said seller side uses the

information acquiring and browsing software to access the server unit managed and

operated by said buyer side and perform membership registration; said seller side

acquires from said server unit on the buyer side a data file including information on the

electronic contents desired to purchase on the buyer side and displays the data file by

using said information acquiring and browsing software; said seller side acquires the

software required for this trade from said server unit on the buyer side; said seller side

evaluates the electronic contents to be provided to said buyer side by using the contents

evaluation software included in said software required for this trade; said seller side sends

to said buyer side at least one of a contents number for identifying the electronic contents

to be provided to said buyer side, member authentication information on said

membership registration and said evaluation results; said buyer side sends to said seller

side information on at least one of an evaluated price, a reception number, key

information used for encryption and electronic contents destination information for the

subject electronic contents indicated by said contents number based on said evaluation

results; said seller side sends the subject electronic contents encrypted by using said

encryption key to said buyer side in the case of being convinced of said evaluated price;

and said buyer side checks the subject electronic contents sent from said seller side and

then requests the financial institution to transfer the amount of said evaluated price to said

seller side for payment via said network (figures 4, 8 and associated text; column 20,

lines 40-56; column 25, lines 20-57).

24. The electronic commerce method according to claim 23, wherein said software required for this trade includes at least one of said contents evaluation software and the encryption software (column 26, lines 36-55).

25. The electronic commerce method according to claim 23, wherein output values of the results of evaluation by said seller side using the contents evaluation software include a step of performing a process for preventing said seller side from estimating the evaluated price from the output values (column 6, lines 36-50; column 20, lines 40-48).

26. The electronic commerce method according to claim 25, further comprising a step of encrypting said output values (column 6, lines 36-50).

27. An electronic commerce method for trading electronic contents between a seller side and a buyer side via a network, comprising the steps that: said seller side uses the information acquiring and browsing software to access the server unit managed and operated by said buyer side and perform membership registration; said seller side acquires from the server unit on said buyer side a data file including information on the electronic contents desired to purchase on said buyer side and displays the data file by using said information acquiring and browsing software; said seller side acquires the software required for this trade from the server unit on said buyer side; said seller side uses contents conversion software included in said software required for this trade to degrade the electronic contents to be provided to said buyer side and sends the degraded

electronic contents as the electronic contents for evaluation to said buyer side; said server

unit on the buyer side sends to said seller side the reception number for the electronic

contents sent from said seller side; said buyer side evaluates the electronic contents for

evaluation sent from said seller side; said buyer side sends said evaluation results

together with said reception number to said seller side; said seller side encrypts and sends

to said buyer side the subject electronic contents indicated by said reception number

when convinced of said evaluation results; and said buyer side checks the subject

electronic contents sent from said seller side and then requests a financial institution via

said network to transfer the amount of the evaluated price indicated by said evaluation

results to said seller side for payment (figures 4, 8, 10 and associated text; column 20,

lines 40-56; column 25, lines 20-57).

28. The electronic commerce method according to claim 27, wherein said software

required for this trade includes at least one of said contents conversion software and

encryption software (column 8, line 46 – column 10, line 5).

29. The electronic commerce method according to claim 27, wherein the processing

method that said seller side uses the contents conversion software to degrade the

electronic contents includes a method principle-wise rendered incapable of restoring the

original electronic contents (figure 10 and associated text).

30. A storage medium, wherein the processing steps of the electronic commerce method

according to claim 23 are stored by a computer in a readable manner (figures 11-12 and

associated text).

31. A program describing the processing steps of the electronic commerce method according to claim 23 in a form executable by a computer (figures 11-12 and associated text).

32. A storage medium, wherein the processing steps of the electronic commerce method according to claim 27 are stored by a computer in a readable manner (figures 11-12 and associated text).

33. A program describing the processing steps of the electronic commerce method according to claim 27 in a form executable by a computer (figures 11-12 and associated text).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Patent No. 5,794,207 to Walker et al.

- Patent No. 5,715,314 to Payne et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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